IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

WP(C).No. 28185 of 2006(E)

PETITIONER:

P.V. MATHAI, AGED 40, S/O. VARGHESE,
PLACHERIL HOUSE, MOOKKANNOOR KARA,
MOOKKANNOOR VILLAGE, ALWAYE TALUK.

BY ADV. SRI.P.V.GEORGE PUTHIYEDAM

RESPONDENTS:

1. **DISTRICT COLLECTOR,**
   COLLECTORATE, KAKKANAD.

2. **DEPUTY TAHSILDAR (R.R.)**
   KERALA FINANCIAL CORPORATION,
   ERNAKULAM, KOCHI-17.

3. **DEPUTY COLLECTOR (R.R.)**
   KERALA FINANCIAL CORPORATION,
   THIRUVANANTHAPURAM.

4. **KERALA FINANCIAL CORPORATION,**
   REPRESENTED BY CHIEF MANAGER,
   KALOOR, KOCHI-17.

***ADDL.R5 & R6 ARE IMPLEADED:**

R5. NAIJU VARGHESE,
S/O.VARGHESE, THEMALIPARAMBIL HOUSE,
MANJAPRA P.O., ERNAKULAM DISTRICT.

R6. T.P.VARGHESE,
THEMALIPARAMBIL HOUSE,
MANJAPRA P.O., ERNAKULAM DISTRICT.

(ADDL.R5&R6 ARE IMPLEADED AS PER ORDER DTD. 5/12/2006 IN I.A.NO.16774/2006)

BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC for R4
SRI.P.JIMMY JOHN for Addl.R5&R6
BY GOVT.PLEADER SMT. ANU SIVARAMAN for R1 to R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.28185/2006 E

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE SALE NOTICE PUBLISHED BY THE 2ND RESPONDENT DTD. 10/05/2006.**

EXT.P2: **COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT DTD. 12/06/2006.**

EXT.P3: **COPY OF THE RECEIPT ISSUED BY THE 4TH RESPONDENT DTD. 14/06/2006.**

EXT.P4: **COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.M.J.GEORGE, MOONJELY MEDICAL CENTRE, ANGAMALY DTD. 4/07/2006.**

EXT.P5: **COPY OF LETTER ISSUED TO 3RD RESPONDENT DTD. 10/07/2006.**

EXT.P6: **COPY OF THE ACKNOWLEDGMENT CARD DTD. 14/07/2006.**

EXT.P7: **COPY OF THE REQUEST ISSUED BY THE PETITIONER DTD. 14/07/2006 TO THE 1ST RESPONDENT.**

EXT.P8: **COPY OF JUDGMENT IN WP(C) NO.25136/06 DTD. 25/09/2006.**

EXT.P9: **COPY OF THE APPLICATION SUBMITTED BY PETITIONER BEFORE THE 1ST RESPONDENT DTD. 5/10/2006.**

EXT.P10: **COPY OF THE LETTER DTD. 6/10/2006 ISSUED BY THE 1ST RESPONDENT.**

EXT.P11: **COPY OF THE PROCEEDINGS OF 2ND RESPONDENT ON 25/10/2006.**

EXT.P12: **COPY OF THE SALE NOTICE DTD. 31/10/2006 ISSUED BY 2ND RESPONDENT.**

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 28185 OF 2006-E

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Dated this the 6th day of March, 2007.

JUDGMENT

Ext.P11 is a forfeiture order on account of non-remittance of the balance consideration following a revenue sale conducted for the purpose of KFC. If that be so, the forfeiture can be only in favour of the KFC and not in favour of the State. All that the Government can get is the collection charges due under the Revenue Recovery Act. As of now, the petitioner - the auction purchaser is prepared to pay the entire balance consideration with statutory interest and all incidentals, including the collection charges and other expenses. If such amounts are remitted within a fortnight from now, Ext.P11 forfeiture order will stand recalled and the sale will be confirmed and the entire sale consideration will be passed over to the KFC in accordance

with law, subject to statutory deductions as stated above.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-